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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/191,256	11/12/1998	DOUGLAS ROBERT CASE	SA9-98-160	8425

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EXAMINER

MAUNG, ZARNI

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 12/18/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/191,256</b>	Applicant(s) <b>D.R. Case et al.</b>
	Examiner <b>Zarni Maung</b>	Art Unit <b>2154</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Oct 21, 2002

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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### DETAILED ACTION

1. This action is responsive to the amendment and remarks filed on October 21, 2002. Claims 1-22 are presented for further examination.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

2. Claims 1-22 are rejected under 35 U.S.C. § 103 as obvious over Scherpbier et al., U.S. Patent Number 5,944,791 (hereinafter Scherbier), in view of Kalajan, U.S. Patent Number 5,941,954 (hereinafter Kalajan).

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3. As per claim 1, Scherbier discloses a system and method for remotely controlling another client computer in a network (see abstract and figure 1). Scherbier discloses the invention as claimed. As per claim 1, Scherbier discloses a system for remotely accessing a client in a client server system comprising a browser for requesting remote access (see figure 1, pilot computer 18 with browser 20, column 3, line 40 to column 4, line 50); a client machine further comprised of a listening program responsive to requests for remote access and a client agent for communicating with the browser and a server machine (see figure 1, column 3, line 40 to column 6, line 54, the passenger computer browser 26 for communicating with the pilot browser 20 and control or server computer 12).

4. Scherbier does not explicitly show that the browser establishes direct communication with the listening program associated with the client machine, because browser 20 establishes communication with the listening program through the control module 16. Kalajan, in the same field of endeavor, discloses that aspect of the invention. Kalajan discloses the listening program 20 executing on the client 10, which is communicating with the browser 22 directly (see column 2, lines 29-55, column 3, line 24 to column 4, line 17). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Scherbier in view of Kalajan by including a listening program which is directly communicating with a browser, because Kalajan suggests the use of such program to provide resources to users in a network in

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a transparent manner (see column 2, lines 17-64). One of ordinary skill in the art would have been motivated to modify Scherbier in view of Kalajan by including a listening program which is directly communicating with a browser so that resources can be distributed transparently to the network users.

5. As per claim 2, Scherbier discloses the system for remotely accessing a client in a client server system as claimed in claim 1, wherein the browser requests access to a client machine by sending a universal resource locator containing a machine name and a port number over a network (see column 4, line 30 to column 5, line 54, flight request including identification of the intended passenger computer with browser 26, passenger applets 22. The passenger computer 24 accesses the control module using browser 26 and appropriate URL to download boarding applet).

6. As per claim 3, Scherbier discloses the system for remotely accessing a client in a client server system as claimed in claim 2, wherein the listening program in the client machine is listening on the port number, and establishes communications with the browser over a second port number in response to the request for access (see column 4, line 30 to column 5, line 54).

7. As per claim 4, Scherbier discloses the system for remotely accessing a client in a client server system as claimed in claim 3, wherein the listening program spawns

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the client agent to communicate with the browser and the server (see column 4, line 30 to column 5, line 54).

8. As per claim 5, Scherbier discloses the system for remotely accessing a client in a client server system as claimed in claim 4, wherein the client agent sends the browser an applet further comprising graphical user interface to execute on the browser (see column 4, line 30 to column 5, line 54, pilot applet 22).

9. As per claim 6, Scherbier discloses the system for remotely accessing a client in a client server system as claimed in claim 5, wherein the applet executes in the national language and locale of the browser (see column 3, line 40 to column 5, line 54).

10. As per claim 7, Scherbier discloses the system for remotely accessing a client in a client server system as claimed in claim 5, wherein the browser is located on the server machine (see figure 1, column 3 line 40 to column 5, line 54).

11. As per claim 8, Scherbier discloses the system for remotely accessing a client in a client server system as claimed in claim 5, wherein the graphical user interface is a command line interface (see column 5, lines 1-35).

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12. As per claims 9-22, they do not teach or further define over the limitations recited in claims 1-8. Therefore, claims 9-22 are also rejected for the same reasons set forth in claims 1-8, *supra*.

13. Applicant's arguments filed on October 21, 2002 have been fully considered but they are not persuasive.

As per applicants' arguments filed on October 21, 2002, the applicants argued in substance that:

- (a) The references fail to teach "a listening program configured to be responsive to requests for remote access establish direct communications;
- (b) Neither Scherbier nor Kalajan appear to be focused on remote access to and invocation of an application on a client machine.

As to argument (a), As per claim 1, Scherbier discloses a system and method for remotely controlling another client computer in a network (see abstract and figure 1). Scherbier discloses the invention as claimed. As per claim 1, Scherbier discloses a system for remotely accessing a client in a client server system comprising a browser for requesting remote access (see figure 1, pilot computer 18 with browser 20, column 3, line 40 to column 4, line 50); a client machine further comprised of a listening program responsive to requests for remote access and a client agent for communicating with the browser and a server machine (see figure 1, column 3, line 40 to column 6, line 54, the passenger computer browser 26 for communicating with the

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pilot browser 20 and control or server computer 12). Scherbier does not explicitly show that the browser establishes direct communication with the listening program associated with the client machine, because browser 20 establishes communication with the listening program through the control module 16. Kalajan, in the same field of endeavor, discloses that aspect of the invention. Kalajan discloses the listening program 20 executing on the client 10, which is communicating with the browser 22 directly (see column 2, lines 29-55, column 3, line 24 to column 4, line 17). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Scherbier in view of Kalajan by including a listening program which is directly communicating with a browser, because Kalajan suggests the use of such program to provide resources to users in a network in a transparent manner (see column 2, lines 17-64). One of ordinary skill in the art would have been motivated to modify Scherbier in view of Kalajan by including a listening program which is directly communicating with a browser so that resources can be distributed transparently to the network users.

As to argument (b), Scherbier teaches the claimed limitation "a system for remotely accessing a client in a client server system comprising a browser for requesting remote access (see figure 1, pilot computer 18 with browser 20, column 3, line 40 to column 4, line 50).

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14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (703) 308-6687. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax phone number for this Group is (703) 308-9052. Additionally, the fax numbers for Group 2100 are as follows:

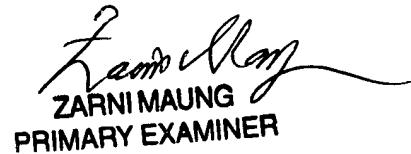
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Official Faxes: (703) 746-7239

After Final Responses: (703) 746-7238

Draft Responses: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.



ZARNI MAUNG  
PRIMARY EXAMINER

December 17, 2002